

SENATE BILL 1649

By Reeves

AN ACT to amend Chapter 36 of the Private Acts of 1961; as amended by Chapter 185 of the Private Acts of 1984; Chapter 66 of the Private Acts of 1993; Chapter 156 of the Private Acts of 1996 and Chapter 62 of the Private Acts of 2010; and any other acts amendatory thereto, relative to the Charter of the City of Lewisburg.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article I, Section 2 and substituting instead the following:

Section 2. Be it further enacted, That the said corporate limits or boundaries of the City of Lewisburg shall be and embrace all the territory now within the corporate limits of the City of Lewisburg as heretofore defined and established by Act or Acts of the General Assembly of Tennessee and by ordinances of the City of Lewisburg and its City Council, or the Council of Lewisburg, and as the same now exists and as now provided by law and ordinances, as aforesaid.

SECTION 2. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article II, Section 1 and substituting instead the following:

Section 1. Time. Be it further enacted, Commencing with the August 2018 general election, the city election shall be held on the first Thursday in August in even-numbered years. The Mayor and three (3) Councilmen from the Second, Third, and Fourth wards in office on the effective date of this act shall serve until the First Thursday in August 2022.

SECTION 3. Chapter 36 of the Private Acts of 1961, as amended by Chapter 185 of the Private Acts of 1984, and any other acts amendatory thereto, is amended by deleting Article III, Sections 1 and 3 and substituting instead the following:

Section 1. City Council. Be it further enacted, (a) That at the Regular Election to be held on the First Thursday in August 2022, there shall be elected by the qualified voters of the City-at-large a Mayor and three (3) Councilmen, to serve with two (2) Councilmen elected in August 2020, from the First and Fifth wards, and the body thus elected shall constitute and be known as the "CITY COUNCIL" who shall hold office and exercise powers and duties imposed by this Act until their successors are elected and qualified.

(b) No person may hold elected positions in the City and County at the same time.

Section 3. Term of Office. Be it further enacted, That the Mayor shall hold office for a term of four (4) years, to begin the first day in September following his election, or until his successor is elected and qualified.

SECTION 4. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article III, Section 5 and substituting instead the following:

Section 5. Term of Office. Be it further enacted, That at the Regular Election to be held on the First Thursday in August 2020, the two (2) Councilmen to be elected from the First and Fifth Wards shall be elected for initial terms of four (4) years, and on the First Thursday in August 2022, the three (3) Councilmen to be elected from the Second, Third, and Fourth Wards shall be elected for the initial terms of four (4) years. The term of each Councilman shall begin the first day in September following the election at which he was elected. At the Regular City Election next preceding the expiration of the term of each Councilman, and of every Councilman thereafter, his successor shall be elected for a term of four (4) years.

SECTION 5. Chapter 36 of the Private Acts of 1961, as amended by Chapter 185 of the Private Acts of 1984, Chapter 62 of the Private Acts of 2010, and any other acts amendatory thereto, is amended by deleting Article IV, Section 2 and substituting instead the following:

Section 2. Passage. Be it further enacted, That all proposed ordinances shall be read in open session before the City Council at two (2) different meetings on separate days and shall be enacted and passed by a majority vote of a quorum of the City Council and any ordinance not so read shall be null and void. At the discretion of the Mayor without objection of the majority of the Councilmen present, a proposed ordinance may be presented for consideration on first and second reading by only reading the caption of the proposed ordinance, provided that copies have been made available for the public.

SECTION 6. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting the language "third" and substituting instead the language "second" in Article IV, Section 3.

SECTION 7. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article IV, Section 5 and substituting instead the following:

Section 5. Publication. Be it further enacted, That the Council may by resolution direct that any ordinance pending before the Council, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may in like manner direct the publication of any ordinance after its passage on final reading, but no such publication shall be mandatory and any and all ordinances duly and regularly passed adopted by the Council as herein provided shall be effective without publication.

SECTION 8. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting from Article IV, Sections 3-6 and Article V, Section 1 the language "third and" wherever it may appear.

SECTION 9. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article V, Section 3, and substituting instead the following:

Section 3. Service of process. All process against the City shall be served upon the Mayor or City Attorney and in the event they are unavailable due to their absence from the City, then upon the City Manager or recorder. If service is upon the Mayor, City

Manager or recorder, a copy of such process shall be timely delivered by the Mayor, City Manager or recorder to the City attorney after designating the time, place and manner of service thereon. The City Attorney or his designee shall be responsible for providing a copy to the Mayor and informing the City Council members of newly filed lawsuits against the City. Only general information will be shared with the City Council initially. When appropriate, the budget committee will be given the opportunity to review any and all proposed settlements of pending litigation. Legal actions on behalf of or against the City shall be directed by the City Attorney and settlements of such actions shall only be conducted by the City Attorney or other attorneys acting on behalf of the City after consultation with the City Attorney.

SECTION 10. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting from Article VI, Section 1 the language "in June, 1961, i.e., the First Friday in June, 1961," and substituting instead "in August 2022"; and is further amended by deleting the language "June, 1961, then such appointment" and substituting instead "August 2022, then such appointment".

SECTION 11. Chapter 36 of the Private Acts of 1961, as amended by Chapter 185 of the Private Acts of 1984, Chapter 156 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting Article VI, Section 2, and substituting instead the following:

Section 2. Treasurer, recorder, City attorney and employees. The City Council shall appoint the treasurer, recorder, and the city attorney and shall make provision by ordinance or resolution for such other officers, agents and employees as deemed necessary.

SECTION 12. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article VII, Section 2(c) and substituting instead the following:

(c) To supervise the work of the treasurer, recorder, and all other subordinate officers, agents and employees of all departments and divisions created by this charter,

or which now may be or hereafter created by ordinance, and to coordinate with the City attorney.

SECTION 13. Chapter 36 of the Private Acts of 1961, as amended by Chapter 156 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting Article VII, Section 2(h) and substituting instead the following:

(h) To act jointly with the Treasurer, Mayor and Mayor's councilmember appointee as a Budget Committee of the City, and to keep the City Council fully advised as to the financial condition, at all times, of the City and each Department thereof.

SECTION 14. Chapter 36 of the Private Acts of 1961, as amended by Chapter 185 of the Private Acts of 1984, Chapter 66 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting Article X, Sections 1 and 2, and substituting instead the following:

Section 1. Office of City Recorder. The City Council shall fix the qualifications of the office of City Recorder.

Section 2. Powers and Duties. Be it further enacted, That the Recorder shall, by his signature, and the City Seal, attest all instruments signed in the name of the City and all official acts of the Mayor. He shall have power to administer oaths.

SECTION 15. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article XI, Section 1, and substituting instead the following:

Section 1. Appointment. Be it further enacted, That as hereinbefore provided by Section 2 of Article VI, the City Council shall, at the first regular meeting in September of 2022, appoint a Treasurer, and shall establish and make provisions by ordinance his term of office, if any, and prescribe his duties in addition to such duties as are imposed by this article and the next succeeding Article.

SECTION 16. Chapter 36 of the Private Acts of 1961, and any other acts amendatory thereto, is amended by deleting Article XI, Section 3, and substituting instead the following:

Section 3. Budget Committee. Be it further enacted, That the Treasurer act with the City Manager, Mayor, and Mayor's Councilmember appointee as a Budget Committee of the City and keep the City Council fully advised as to the financial condition at all times of the City and each Department thereof.

SECTION 17. Chapter 36 of the Private Acts of 1961, as amended by Chapter 156 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting Article XIII, Section 1, and substituting instead the following:

Section 1. Budget Committee. Be it further enacted, That there is created a Budget Committee for the City of Lewisburg, composed of the Treasurer, City Manager, Mayor, and Mayor's Councilmember appointee as a Budget Committee whose duties and functions are hereinafter set out.

SECTION 18. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 19. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lewisburg. The approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 20. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 19.